

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

PATRICK HORN,	§	
Petitioner,	§	
v.	§	Civil Action No. 1:03cv224
DOUG DRETKE, Director, Texas Department of Criminal Justice, Correctional Institutions Division,	§	
Respondent.	§	

ORDER AND JUDGMENT

This matter comes before the Court *sua sponte*. Petitioner Patrick Horn filed an application for a writ of *habeas corpus* pursuant to 28 U.S.C. § 2254. On June 27, 2005, the Court stayed these proceedings and directed Horn to return to state court and exhaust his claim that because he was a juvenile at the time he committed his capital offense, executing him would violate the Eighth Amendment ban on cruel and unusual punishment. On October 5, 2005, the Texas Court of Criminal Appeals granted Horn relief on his claim.

It is therefore ORDERED that the stay of these proceedings is lifted. For the reasons set forth in the Court's memorandum opinion of this date, JUDGMENT is entered for the Director on all three claims in Horn's application for a writ of *habeas corpus*.

So ORDERED and SIGNED this 8 day of November, 2005.



Ron Clark, United States District Judge

